

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO.: 05 10596 NMG

THOMAS KELLEY,
Plaintiff,

VS.

**TOWN OF PLYMOUTH and
ROBERT J. POMEROY, as Chief of the
Plymouth Police Department and
Individually,
Defendants.**

JOINT MOTION TO EXTEND SCHEDULING ORDER DEADLINES

Now come the parties in the above-captioned matter, and jointly request this Honorable Court to extend the deadlines of its current Scheduling Order by an additional two months (including discovery and filing of dispositive motions).

As reasons for this motion, counsel for the defendants and plaintiff state they require the additional time to complete depositions and discovery. The parties have endeavored to coordinate dates for the noticed depositions of witnesses and defendants, as well as the plaintiff's continued deposition that have not yet been taken. However, due to scheduling conflicts, the parties have not been able to agree on dates that fall within the Scheduling Order deadlines to complete all of these depositions. Furthermore, one the witnesses called by the defendants did not appear for his scheduled deposition on June 23, 2006 due to an illness. Therefore, this deposition will need to be rescheduled for a later date.

WHEREFORE, the defendants respectfully request that the Scheduling Order be extended two months as follows:

- The completion date for all fact depositions, as initially set in ¶ 3 of the Scheduling Order entered by the Court on June 28, 2005, be extended to September 30, 2006.

By amending the Scheduling Order to provide the parties with additional time for the taking of depositions, it will be necessary to extend the remaining scheduling dates as follows: • Designation of plaintiff's trial experts by October 31, 2006. • Designation of defendant's trial experts by November 30, 2006. • All expert depositions by December 31, 2006. • All dispositive motions for summary judgment by February 28, 2007 and responses by March 15, 2007. • All discovery to be complete by December 31, 2006. • Final Pre-trial Conference to be rescheduled to a date after March 15, 2007.

The parties will not be prejudiced by this proposed extension. Wherefore, the parties respectfully request that this Court allow the extension.

PLAINTIFF,
THOMAS KELLEY,
By his attorney,

Respectfully submitted,
DEFENDANTS,
ROBERT J. POMEROY and the
TOWN OF PLYMOUTH,
By their attorneys,

/s/ Joseph R. Gallitano
Joseph R. Gallitano
34 Main Street
Suite 202
Plymouth, MA 02360
(508) 746-1500

/s/ Jeremy I. Silverfine
Jeremy I. Silverfine, BBO#542779
Leonard H. Kesten, BBO# 542042
BRODY, HARDOON, PERKINS & KESTEN, LLP
One Exeter Plaza
Boston, MA 02116
(617) 880-7100

Dated: June 28, 2006